

UNITED STATES BANKRUPTCY COURT 2011 FEB 10 AM 9:30
NORTHERN DISTRICT OF OHIO

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YOUNGSTOWN

IN RE:

JOHN ALAN SMILEY,

Debtor.

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CASE NUMBER 10-44459

CHAPTER 7

HONORABLE KAY WOODS

ORDER CONCERNING MOTION FOR RELIEF FROM STAY AND ABANDONMENT

U.S. Bank, N.A. ("Movant") filed a Motion for Relief from Stay and Abandonment ("Motion") (Doc. # 9) in this case. The Motion does not conform to the standardized form for such motions adopted by the Judges of this District in General Order 10-1 and/or does not comply with Local Bankruptcy Rule 4001-1 because, *inter alia*, the Exhibits do not indicate that Movant holds an interest in the Collateral; there is no evidence of a proper assignment to Movant.


Movant shall have twenty-one (21) days from the date of entry of this Order to (i) file an amended motion that corrects the deficiency noted above; and (ii) if an amended motion is filed, notice the amended motion and provide a hearing and objection date pursuant to Amended Administrative Order No. 08-03. Accordingly, the hearing scheduled for March 3, 2011 is adjourned until such date. If an amended motion is not timely filed, the Motion may be denied. Similarly, Debtor should note that any previously filed objections or responses will not serve to protect his interest; in the absence of an objection or response filed to the amended motion, the Court may consider the amended motion unopposed and may grant

it without hearing.

The automatic stay provisions of 11 U.S.C. § 362 will continue in effect pending the hearing.

Copies of General Order 10-1, Amended Administrative Order No. 08-03, and the Local Bankruptcy Rules are available at www.ohnb.uscourts.gov or from the Clerk's office.

IT IS SO ORDERED.



KAY WOODS
UNITED STATES BANKRUPTCY JUDGE